

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

KEITH LOWE,

Plaintiff,

v.

**Civil Action No: 2:25-cv-272
Hon. Thomas E. Johnston, Judge**

**SUPERINTENDENT JOHN FRAME,
COMMISSIONER DAVID KELLY, and
CABINET SECRETARY MICHAEL CARUSO,**

Defendants.

**SUPERINTENDENT JOHN FRAME AND COMMISSIONER DAVID KELLY'S
STATUS UPDATE**

COME NOW, Defendants Superintendent John Frame and Commissioner David Kelly, by counsel, and respectfully submit this status update.

1. On July 24, 2025, the West Virginia Division of Corrections and Rehabilitation received the federal Bureau of Prisons' July 22, 2025, letter accepting Plaintiff for transfer to the United States Medical Center for Federal Prisons facility in Springfield (USMCFP Springfield).

2. Upon receipt of that letter, WVDCR contacted the Bureau of Prisons to coordinate transportation arrangements.

3. The Bureau of Prisons initially stated that transfer could occur on September 10, 2025.

4. The Bureau of Prisons later revised the transfer date to September 11, 2025.

5. WVDCR has confirmed with the Bureau of Prisons that transfer is still scheduled to occur on September 11, 2025.

6. Defendant Frame, as applicant in the mental hygiene proceedings, informed the mental hygiene commissioner of BOP's acceptance of Plaintiff.

7. On September 3, 2025, the Honorable H.L. Kirkpatrick, III, entered a Transport Order directing the Division of Corrections and Rehabilitation to transport Plaintiff to USMCFP Springfield on September 11, 2025.

8. Defendants Frame and Kelly provide this status update to inform the Court that the transfer is still scheduled to occur on September 11, 2025, and to ensure that the Defendants' actions comply with this Court's Order.

9. To the extent that Plaintiff's transfer on September 11, 2025, is not in compliance with this Court's Order, Defendants respectfully request a status conference so that they may avoid noncompliance.

Respectfully submitted,

SUPERINTENDENT JOHN FRAME
and COMMISSIONER DAVID KELLY,
By Counsel

JOHN B. McCUSKEY
ATTORNEY GENERAL

/s/ Anthony D. Eates

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CERTIFICATE OF SERVICE

I, Anthony D. Eates, Deputy Attorney General, certify that I have this 5th day of September, 2025, served a true copy of the foregoing *Superintendent John Frame And Commissioner David Kelly's Status Update* upon the following individual(s) by the electronic file and serve system as follows:

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